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10/759,395	01/20/2004	Tony Verna	31981-6	6708
26853 7590 02/28/2008 COVINGTON & BURLING, LLP ATTN: PATENT DOCKETING 1201 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20004-2401				
			EXAMINER	
			CHIN, RICKY	
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			4157	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/759,395

**Applicant(s)**

VERNA, TONY

**Examiner**

RICKY CHIN

**Art Unit**

4157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 4, 99-103, 108, 109, 111, 151, 152, 155 and 243-248 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 99-103, 108, 109, 111, 151, 152, 155 and 243-248 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Preliminary Amendment***

Claims 1,3,4, 99-103, 108,109,111,151,152,155,243-248 are pending in the application. Claims 2, 5-98,104-107,110,112-150,153,154,156-242 and 249-283 have been cancelled.

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1,3,4,99-103,108,109,111,151,152,155 and 243-248 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-96 of U.S. Patent No.6,681,398. Although the conflicting claims are not identical, they are not patentably distinct from each other because applicant is merely broadening claims 1-96 of US 6,681,398 and hence the claims are an obvious variant.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims (1, 3-4, 99-103, 108-109, 111, 151-152, 155, and 243-248) are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans, US 4,183,056 in view of Hurwitz 5,568,205.

Regarding claim 1, Evans discloses of a system for selecting and reviewing signal segments, comprising: a selection system (See Fig.1, 10, replay recorder) , including means for receiving at least one signal (See col. 2 lines 43-45, which discloses that the replay recorder receives video signals from television camera), means for identifying at least one segment of at least one signal (See col. 2 lines 50-54 which discloses a predetermined time interval for recording), and means for transmitting at least one signal segment(See col. 2 lines 54-59, which discloses that the replay recorder furnishes video image to the monitor for display); and a reviewing system (see Fig.1, 14, monitor) including means for receiving at least one signal segment (See col. 2. lines 54-59), and means for reviewing information included in at least one signal segment(See col.12 lines 29-31, which discloses that players and game officials may consult the television image). Evans does not explicitly teach of a reviewing system possessing means for storing at least one signal segment.

However, in the same field of endeavor, Hurwitz discloses a reviewing system means for storing at least one signal segment (see col.5 lines 5-14 which discloses a studio based VTR in which signals could be recorded and edited). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Evans and Hurwitz as a whole for the mere benefit of increased flexibility of replay and playback to the reviewer.

Regarding claim 3, the claim was been analyzed using the same rationale as claim 1. The combination of Evans and Hurwitz teach all of the claim limitations of the system for selecting and reviewing signal segments of claim 1, the combination further teaches of wherein the selection system is located a distance from an event responsive to the characteristics of at least one of the signal source, the selection system, and the reviewing system ([Hurwitz], col. 5 lines 1-26, which discloses a tv station studio, van, and camera all of which are located a distance from an event).

Regarding claim 4, the claim was been analyzed using the same rationale as claim 1. The combination of Evans and Hurwitz teach all of the claim limitations of the system for selecting and reviewing signal segments of claim 1, the combination further teaches of wherein the selection system is portable ([Hurwitz], col.5 lines 1-26 discloses a van).

Regarding claim 99, the claim has been analyzed and rejected for the same reasons set forth in the rejection of claim 1. Furthermore the combination of Evans and Hurwitz discloses a plurality of reviewing systems ([Evans], col.2 lines 57-59 discloses re-display to persons watching the sports event on television at local or remote television sets).

Regarding claim 100, the claim was been analyzed using the same rationale as claim 99. The combination of Evans and Hurwitz teach all the claim limitations of the system for selecting and reviewing signal segments of claim 99, the combination further teaches of wherein the selection system further comprises means for activating at least one selected reviewing system from the plurality of reviewing systems, and each selected reviewing system operates in response to the activating means ([Evans], col.2 lines 45-59 discloses that the replay recorder may be activated by the operating crew and then furnished for re-display to persons watching at local or remote sets).

Regarding claim 101, Evans and Hurwitz do not explicitly teach, encryption and decryption. OFFICIAL NOTICE is taken by the examiner to note that encryption and decryption of a transmitted and received signal segment is notoriously well-known in the art. Therefore it would have been obvious of one of ordinary skill in the art at the time of the invention to have modified the combined teachings of Evans and Hurwitz to include encryption and decryption of the signals for the mere benefit of security and privacy.

Regarding claim 102, the claim was been analyzed using the same rationale as claim 99. The combination of Evans and Hurwitz teaches all of the claim limitations of the system for selecting and reviewing signal segments of claim 99, the combination further teaches of wherein the selection system further includes means for addressing the signal segment to selected reviewing systems; and only the selected reviewing systems include means for reviewing information from the addressed signal segments ([Evans], col. 2 lines 54-57 discloses that the replay recorder may be activated by the operating crew and then furnished for re-display to the television crew and persons watching at local or remote sets).

Regarding claim 103, the claim was been analyzed using the same rationale as claim 1. The combination of Evans and Hurwitz teach all the claim limitations of the system for selecting and reviewing signal segments of claim 1, the combination further teaches of wherein the reviewing system is responsive to a user-flag-signal (See [Evans], col. 1 lines 52-60 which discloses an indicator mar which is displayed on play back along with the event of interest).

Regarding claim 108, the claim has been analyzed and rejected for the same reasons set forth in the rejection of claim 1.

Regarding claim 109, the claim was been analyzed using the same rationale as claim 108. The combination of Evans and Hurwitz teach all of the claim limitations of the

device for reviewing signal segments of claim 108, the combination further teaches of wherein the signal segment is derived from at least one image derived from at least one signal transmitted by a video signal source provider ([Evans], col. 2 lines 43-45 discloses that the replay recorder is connected to receive the video signals from a conventional tv camera).

Regarding claim 111, the claim has been analyzed using the same rationale as claim 108. The combination of Evans and Hurwitz teach all of the claim limitations of the device for reviewing signal segments of claim 108, the combination further teaches of wherein the receiving means, the storing means, and the reviewing means operate essentially simultaneously in response to at least one signal segment ([Hurwitz], col. 5. lines 1-26 discloses signals could be received and be immediately rebroadcast and simultaneously transmitted to a VTR to be recorded and/or edited).

Regarding claim 151, the claim has been analyzed and rejected for the same reasons set forth in claim 1. Furthermore, Evans discloses identifying at least one segment of at least one signal ([Hurwitz], col. 5 lines 1-7 discloses time codes).

Regarding claim 152, the claim has been analyzed using the same rationale as claim 151. The combination of Evans and Hurwitz teaches all the claim limitations of the method for selecting and reviewing signal segments of claim 151, the combination further teaches of wherein the signal comprises a television signal (See [Evans], col.2



which discloses a television).

Regarding claim 155, the claim was been analyzed using the same rationale as claim 151. The combination of Evans and Hurwitz teaches all of the claim limitations of the method for selecting and reviewing signal segments of claim 151, the combination further teaches of wherein the signal comprises a signal transmitted to viewers by a video signal source provider ([Evans], col. 2 lines 54-59).

Regarding claim 243, the claim has been analyzed and rejected for the same reasons set forth in the rejection of claim 1.

Regarding claim 244, the claim was been analyzed using the same rationale as claim 243. The combination of Evans and Hurwitz teach all of the claim limitations of the method for reviewing signal segments of claim 243, the combination further teaches of wherein the signal segment is derived from at least one image ([Evans], col.2 lines 55-59).

Regarding claim 245, the claim was been analyzed using the same rationale as claim 243. The combination of Evans and Hurwitz teach all of the claim limitations of the method for reviewing signal segments of claim 243, the combination further teaches of wherein the signal segment is derived from at least one audio signal (See [Hurwitz], Fig 3, 51).

Regarding claims 246-248, the claims have been analyzed and rejected for the same reasons set forth in the rejection of claim 111.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1- US 4,110,792 – which discloses a mobile information display system

2- US 5,742,521- which discloses a vision system for viewing a sporting event

3- US 5,508,695 – which discloses a method for identifying messages associated with a sports team in a communication system

4- US 4,977,503 – which discloses an electronic sports information retrieval device

5- US 5,510,828- which discloses an interactive video display system

6- US 5,513,384 - which discloses a system for providing multiple broadcasts of audio information to spectators

### ***Contact***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Chin whose telephone number is 571-270-3753. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on 571-272-7332. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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